

Village of Kent City
Planning Commission Meeting
June 7, 2018 - Proposed Minutes

- I. Call to Order by Chair Rood Vaughan at 19:03
- II. Roll Call
 - a. Present: Steve Buckner, Nate Snoap, Tom Sherwood, John Petruska, Rood Vaughan, Mike Maksimchuk
 - b. Absent: Staci Bull, Ed Lain, Greg Goss
 - c. Others Present: Mark Van Allsburg, Village Attorney & Dennis Kaminski, Zoning Administrator
- III. Approval of Agenda
 - a. **Motion** by Petruska
 - b. **Supported** by Snoap
 - c. Motion **Passes** unanimously
- IV. Approval of Minutes
 - a. **Motion** to Approve minutes as presented by Buckner
 - b. **Supported** by Snoap
 - c. Motion **Passes** unanimously
- V. Public Time
 - a. None
- VI. Old Business
 - a. Right-Of-Way Issues – Mark Van Allsburg
 - i. Clarification/Discussion of pertinent rules, statutes, ordinances & laws
 1. In most cases, lot owner actually owns property to the centerline of the street, subject to the street easement.
 2. The street is an easement that is layered on top of the property for the street.
 3. Problem is people parking on the parkway
 4. What does the village “own”, or have the right to do in the easement?
 - a. Right for the public to travel on the road
 - b. Right for utilities to be installed and maintained
 - c. Right for any maintenance the village sees fit (which could include planting, removing, or trimming trees) as well as maintenance of sidewalk or driving surface.
 5. Home owner is responsible for the lawn
 - a. If property owners don’t want to mow – then the village can mow the parkway, and charge owner or have it added to the taxes pursuant to noxious weeds ordinance.
 6. County GIS, as well as survey staking, often mark the front boundary of the property as the edge of the right-of-way (easement), though the property may be owned by the parcel owner to the centerline, subject to the easement.
 - a. Normally streets have a 66’ public easement, many places in the village it is 50’
 - ii. Definitions
 1. Define Right-of-Way (R-O-W)/Easement
 - a. R-O-W or easement terms are used interchangeably.
 - b. In the Village Plats, the streets are dedicated to the public, conveying customary street right-of-way privileges, including the rights to travel, construct and maintain roadways, sidewalks and utilities, plant, remove or trim trees, etc.
 2. Define Parkway
 - a. The grassy area between the asphalt & sidewalk. Probably not needed in ordinances regulating parking.

- b. Problems the village is experiencing & How to fix them
 - i. Buckner stated people are parking on the parkway, and wrecking the lawn in the parkway.
 - ii. Buckner mentioned other issues, like cars just pulling off road and parking in front lawn, with up to 5 cars in the front lawn. This occurs with varying levels of severity.
 - iii. Petruska mentioned the 50-foot easement on East Street. People are pulling off the street, and running into the school to pick up kids. Property owners are putting up cones to keep people off their lawns.
 - iv. Vaughan asked if the public may ruin the lawn that lot owners are told to maintain. If parking is permitted, the normal wear and tear will be an inevitable result.
 - v. Vaughan mentioned that homeowners are not to pull off the road onto property without an improved surface and driveway present. This is happening every day at the school, as people are pulling off of the road into an unimproved parking lot area.
 - 1. Buckner mentioned that there is no explicitly stated rule against this in the ordinance, but it is implied several places.
 - vi. Sherwood stated that property ownership is a set of rights, and not only do you own the dirt, you own the responsibility to maintain it. Sherwood asked if a property owner has the right to change the drainage. Van Allsburg explained an owner cannot alter significantly the speed or volume of water flowing off his property onto adjacent property.
 - 1. As a follow-up, Sherwood asked if public has a right to pull cars off, and damage the streets changing the drainage pattern. Currently, they are not prohibited from pulling cars off, so normal wear and tear occurs. Not addressing intentional damage here.
 - vii. Petruska stated there aren't many issues with overnight parking, but the few instances are able to be dealt with local enforcement.
 - viii. Buckner asked about rental houses, since due to the addition of more and more rentals, the parking issue is becoming more bothersome.
 - 1. Van Allsburg suggests that this is another discussion, can be dealt with at a later date.
 - ix. Maksimchuk stated he would like us to look at parking on streets based upon street widths, due to safety and flow concerns.
 - x. Maksimchuk mentioned people parking on property that is not even theirs, and this is not being policed or enforced.
 - xi. Maksimchuk mentioned people parking without any type of improved surface, which is again something that can be prohibited.
 - xii. Maksimchuk stated there are many RV's, trailers, boats, et cetera in front yard currently, and this is due to lack of enforcement. Limiting regulations could be adopted.
- c. Van Allsburg states that these issues are [almost] all easily dealt with by the ordinances. The regulations are relatively simple to prepare. The hard part is going to be making the public happy with it.
 - i. Buckner stated that Safety officer Cook won't ticket if there is nowhere else to park. He is practical.
 - ii. Van Allsburg states that there is a process – put the word out there and get input from the public – newsletters, forum, and then consistent enforcement. If the deputy writes tickets, if everyone understands this will be enforced, the problems will decrease.
- d. Van Allsburg stated that it would be a good idea to consider different parking zones, including permitting parking on one side, both sides, or no parking on the street.
- e. Van Allsburg stated that what the planning commissioners explains, the area near the school is causing the biggest issue.
 - i. Petruska stated that the school helps, but their support only lasts for a few weeks. School has spoken with village to make some changes for some safety issues.

- f. Maksimchuk asked about enforcement, since we keep bringing up the term.
 - i. Van Allsburg stated that if the Village adopts new rules, a good conversation with the Sheriff's department to reach a plan for enforcement is warranted. Consistent enforcement sets an example (after a warning), especially when writing tickets.
 - ii. Vaughan stated that we need to get Cook to start writing more tickets, and get out there working on enforcement issues. Cook won't deal with enforcement if there is no alternate solution.
 - 1. Vaughan mentioned that since we pay 1/3 of his salary, we should be able to dictate what is being done for the village.
 - 2. Vaughan states that he feels like the school is trying to push the village on the parking issue, since they don't want to deal with it.
- g. Buckner asked for clarification about other people parking in the parkway of property they don't own.
 - i. Van Allsburg stated that it's the owner's property, subject to the right of the public, and anyone [currently] can park in the right-of-way area unless the Village has imposed restrictions.
- h. Van Allsburg – Top 5 Issues he has heard, and plan moving forward
 - i. Front yard parking
 - 1. Outside of the driveway, park in designated, improved spots only
 - a. NOT including any parkway
 - 2. The P.C. will have to decide if we want to allow parking in the front yard
 - a. Most municipalities say no, other than if it's in the driveway
 - 3. Figure out reasonable alternatives if need be, including a permit for front yard parking or variance for some locations
 - ii. Parkway
 - 1. Decide if we will allow people to park in the parkway, and if so, what restrictions apply
 - iii. School Issue
 - 1. Need to convince school that we are moving forward with a plan to address the parking issues at the school either way, but want them to help
 - iv. All locations must have improved area to park
 - v. Look at specific areas and roads in regard to widths for where to park. Identify areas where safety or traffic flow is a problem.
 - 1. College, East, Clover, 1st & 2nd
- i. Van Allsburg continued:
 - i. Create a plan for consulting with & informing public.
 - ii. Create the procedures on how to deal with all of these issues
 - iii. Define your rules, what we want Village parking regulations to look like, identify the worst problems
 - iv. Sources of Village authority:
 - 1. Article 7, Section 29 of Michigan Constitution about control of streets
 - 2. MCL 67.23 and 67.7 – Michigan Village Law Act
 - 3. Uniform Vehicle Code, Part 8
 - v. Tie everything to traffic flow & safety
- j. Sherwood stated he would like to have some type of awareness, and also positive reinforcement for cars with parked properly.
- k. Van Allsburg suggested maybe planting trees in the right-of-way for issue areas.
- l. Petruska asked for confirmation of the clarification that people are NOT trespassing if parking in the parkway.
 - i. Van Allsburg confirmed, so long as the Village hasn't restricted the parking.
- m. Vaughan asked why the village is mowing the business district's parkway, versus residential areas.
 - i. Petruska stated Village IS responsible for that parkway, due to a maintenance agreement.

- n. Final Outcome of the Parking Discussion:
 - i. The P.C. work on each issue provided above
 - 1. Come up with a plan to solve it.
 - ii. Petruska will work with the school to push the plan, hoping to split the cost between the school and village.
- VII. New Business
 - a. Petruska mentioned that Kent City Ford is closing.
 - i. Purchased by Betten Baker
 - ii. Service department is gone
 - iii. Lot is going to turn into a used car parking lot
 - 1. Could possibly turn into using the old used car lot by the school into a new parking lot
 - iv. Dennis did inform new owners that the location is a C2 business in a C1 zoned area.
 - v. Petruska says he is concerned that the new owners might tear down part of the building to put cars on 17 Mile for sale.
 - b. Property – Burt Rose
 - i. Petruska asked about Front Yards – Corner lot has two front yards, which is causing an issue with setbacks of the property based on interpretation of the ordinance by the Zoning Administrator.
 - 1. The back yard could be opposite either street frontage, but the back yard is defined as the furthest line/point from the opposite front lot line.
 - ii. Petruska stated that Burt Rose needs variance for 5’ under setback due to close to 20’ to neighbor.
- VIII. Commissioner Remarks
 - a. None
- IX. Adjournment
 - a. **Motion** by Petruska
 - b. **Supported** by Snoap
 - c. Motion **Passes** unanimously
- X. Meeting is adjourned by Chair Rood Vaughan at 21:10

Respectfully submitted,

Mike Maksimchuk
Planning Commission Vice Chair